

REMARKS

Claims 1-23 are pending. Claim 1 has been amended simply to add appropriate indenting to improve its readability. There is no change to the claim language and no narrowing of the scope in any way. Substitute formal drawings are submitted herewith. No new matter has been added.

Initially, the Office Action again did not include an initialed form PTO/SB/08 from the Information Disclosure Statement dated December 10, 2002. For the convenience of the Examiner, another copy of that form is enclosed herewith, together with a stamped return postcard indicating U.S. Patent and Trademark Office receipt of the December 10, 2002 Statement on December 11, 2002.

Claim 23 was rejected under 35 U.S.C. § 112, second paragraph as being indefinite because of the use of the term “and/or.” As has been discussed with the Examiner and his primary in an interview in a commonly-assigned case, the term and/or is indeed definite as recited at least because one of ordinary skill in the art can tell exactly what the scope of the claim is, which is the only requirement for definiteness. Further, the section of the MPEP quoted in the Office Action to support the rejection does not relate to usage of the term “and/or.” In any event, in various telephone conversations with the Examiner concerning the present application, the Examiner has indicated that this rejection will be withdrawn.

Claims 1-23 were rejected under 35 U.S.C. § 102(e) as anticipated by Togher. Applicants respectfully traverse.

In Togher et al., a plurality of Market Distributors are preferably provided for each of the Arbitrators. That is, Togher et al. teaches that one Arbitrator, and its associated matching function, should serve a plurality of Market Distributors and their

associated price distribution function. This reduces the number of functional Arbitrators required by the system.

In contrast, the present invention provides a one to one correspondence with the Arbitrator function and the Market Distributor function. That is, each broker node carries out *both* the Arbitrator function and the Market Distributor function. Applicants have recognized the desirability of combining the Arbitrator's function of matching orders with the Market Distributor function of creating market views in a single logical broker node so that orders can be matched at a location closer to the traders, deal execution and price updates can be achieved more quickly and market views can be customized to the individual traders.

Togher teaches separate units functioning as the arbitrator and market distributor. For at least this reason, that reference cannot be said to anticipate the independent claims, which recite that these functions are combined in single logical broker nodes. The Examiner is therefore respectfully requested to withdraw the rejection.

Further, as applicants' attorney pointed out in a telephone interview with the Examiner, the portions of Togher cited at page 4 of the Office Action, and the corresponding arguments of the Examiner, do not seem to address the noteworthy feature mentioned above, a feature that was also discussed in the previous response submitted by Applicant. For at least this reason, the Office Action does not set forth a prima facie case of anticipation since it does not indicate where in Togher each recited feature can be found. In view of the foregoing, it is requested that if the next action is not an Notice of Allowance, it at the very least should not be made final. In a telephone interview with the Examiner, the Examiner stated to the undersigned that the next action would be made non-final.

Moreover, in the Office Action at page 2, item 4, the Examiner stated that the arguments presented previously with regard to Togher are considered moot in view

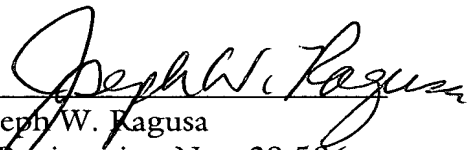
of the new grounds of rejection. However, the Examiner has relied upon the same reference and the arguments are considered to be entirely relevant and are repeated above. However, these arguments were not addressed in the Action. For this additional reason, it is requested that any further action be made non-final.

For the foregoing reasons, each of the independent claims are believed to be directed towards patentable subject matter. Each of the dependent claims include the limitations of the independent claims as well as additional limitations which are neither disclosed nor suggested in the art of record. These claims are also believed to be in condition for allowance.

Reconsideration and allowance of the application are earnestly solicited.

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Respectfully submitted,

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